

In the United States Court of Federal Claims

ABIY YIFRU,)
Plaintiff,)
v.) No. 20-316C
THE UNITED STATES,) Filed July 24, 2020
Defendant.)
)

DISMISSAL ORDER

Plaintiff, *pro se*, Abiy Yifru, commenced this action on March 16, 2020. ECF No. 1. On May 22, 2020, the government filed a motion to dismiss this matter for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted, pursuant to Rules 12(b)(1) and (6) of the Rules of the United States Court of Federal Claims (“RCFC”). ECF No. 6. Plaintiff has also moved to proceed in the matter *in forma pauperis*. ECF No. 2.

Plaintiff’s response to the government’s motion to dismiss was due on June 19, 2020. On June 25, 2020, the Court issued a Show Cause Order directing plaintiff to explain why he failed to timely respond to the government’s motion to dismiss and to provide his response to the government’s motion. ECF No. 7. In that Order, the Court also informed plaintiff that, should he fail to respond to the government’s motion to dismiss by July 6, 2020, the Court would treat such failure to respond as a failure to comply with the Court’s Order and to prosecute this matter pursuant to RCFC 41(b). Plaintiff has not timely filed a response to the government’s motion to dismiss, or a response to the Court’s Show Cause Order.¹ RCFC 41(b).

Because plaintiff has failed to comply with the Court’s June 25, 2020, Show Cause Order and to prosecute this matter, the Court dismisses this action without prejudice. RCFC 41(b).²

¹ On June 25, 2020, plaintiff filed a motion to stay these proceedings due to personal complications created by the pandemic. ECF No. 8.

² RCFC 41(b) provides that: “[i]f the plaintiff fails to prosecute or to comply with [the Court’s] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it.” RCFC 41(b).

Plaintiff may refile his claim when his circumstances allow.

And so, for the foregoing reasons, the Court:

1. **DENIES-AS-MOOT** the government's motion to dismiss;
2. **DENIES-AS-MOOT** plaintiff's motions to proceed *in forma pauperis* and to stay proceedings; and
3. **DISMISSES** the complaint without prejudice, pursuant to RCFC 41(b).

The Clerk's Office is directed to **ENTER** final judgment consistent with this Order.

No costs.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby
LYDIA KAY GRIGGSBY
Judge